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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,342	11/20/2000	Fred S. Cook	1470	8608

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EXAMINER	
IQBAL, KHAWAR	

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/716,342	COOK, FRED S.	
	Examiner	Art Unit	
	Khawar Iqbal	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3-9,11-13,16-21,23,25,26,28,29,33 and 36-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3-9,11-13,16-21,23,25,26,28,29,33 and 36-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 3-9,11-13,16-21,23,25-26,36,38-39 are rejected under 35 U.S.C. 102(e) as being unpatentable by Steer (6643517).

3. Regarding claim 11 Steer teaches a method of altering operation of a device based on location, the device having a set of control logic that defines a first functional response to a first primitive, the method comprising in combination (figs. 1-3, abstract):

when the device is in a given location (sensitive areas), the device receiving a control signal associated with the given location (col.5, lines 40-50), wherein the control signal comprises a set of additional control logic to be executed by the device in response to the first primitive the additional control logic defining a new functional response to the first primitive (col. 5, lines 20-30,col. 8, lines 20-43);

storing the set of additional set of control logic in data storage of the device (col.8, lines 10-40); and thereafter when the device receives the first primitives the device responsively carrying out the new functional response rather than the first functional response (col. 9, line 44-col. 10, line 25, see above).

Regarding claim 23 Steer teaches a method of altering operation of a device based on location, the device having a set of control logic that causes the device to employ a first predetermined primitive in carrying out a first function, the method comprising (figs. 1-3):

when the device is in a given location, the device receiving a control signal associated with the given location, wherein the control signal comprises a set of additional control logic to be executed by the device in carrying out the first function, the additional control logic defining a new primitive for the device to employ in carrying out the first function (col. 5, lines 20-30,col. 8, lines 20-43, see above);

storing the set of additional control logic in data storage of the device (col. 8, lines 10-40); and thereafter, in carrying out the first function the device employing the new primitive (col. 9, line 44-col. 10, line 25, see above).

Regarding claim 36 Steer teaches a system for adapting device functionality based on location, the system comprising (figs. 1-3):

a device having a receiver, a processor, and data storage, the processor being programmed to execute a set of control logic so as to cause the device to carry out a first function in response to a first primitive, and the receiver being arranged to receive a control signal associated with a given location, the control signal carrying additional control logic to be executed by the processor in response to the first primitives the additional control logic defining a new function for the device to carry out in response to the first primitive (col. 8, lines 10-40, col. 9, line 44-col. 10, line 25); and

the processor being programmed to respond to the control signal by performing functions comprising (26):

storing the set of additional control logic in the data storage, prompting a user of the device for approval to change functionality of the devices, flagging the additional control logic as actives and thereafter, upon receipt of the first primitives responsively carrying out the new function rather than the first function (col. 8, lines 10-40, col. 9, line 44-col. 10, line 25).

Regarding claim 38 Steer teaches a method of altering operation of a device based on location, the device having a set of control logic that causes the device to employ a first predetermined primitive in carrying out a first function, the method comprising (figs. 1-3):

when the device is in a given location, the device receiving a control signal associated with the given location, wherein the control signal comprises a set of additional control logic to be executed by the device, the additional control logic defining a new function and instructing the device to employ the first predetermined primitive in carrying out the new function, storing the set of additional control logic in data storage of the device (col. 8, lines 10-40, col. 9, line 44-col. 10, line 25); and

thereafter, when the device carries out the new function, the device employing the first predetermined primitive (col. 8, lines 10-40, col. 9, line 44-col. 10, line 25).

Regarding claim 39 Steer teaches a system for adapting device functionality based on location, the system comprising (figs. 1-3):

a device having a receiver, a processor, and data storage, the processor being programmed to execute a set of control logic so as to cause the device to carry out a first function in response to a first primitive, and the receiver being arranged to receive a control signal associated with a given location, the control signal carrying additional control logic to be executed by the processor, the additional control logic defining a new primitive in response to which the device will carry out the first function (col. 8, lines 10-40, col. 9, line 44-col. 10, line 25); and the processor being programmed to respond to the control signal by performing functions comprising: storing the set of additional control logic in the data storage, prompting a user of the device for approval to change functionality of the device, flagging the additional control logic as active, and thereafter employing the new primitive, rather than the first primitive, in carrying out the first function (col. 8, lines 10-40, col. 9, line 44-col. 10, line 25).

Regarding claims 3,16 Steer teaches wherein the first primitive comprises a predetermined signal structure received from a communications interface (col. 8, lines 10-40, col. 9, line 44-col. 10, line 25).

Regarding claims 4,17 Steer teaches wherein the first functional response to the first primitive comprises presenting a first signal to a user, and wherein the new functional response to the first primitive comprises presenting a second signal to the user instead of presenting the first signal to the user (col. 8, lines 10-40, col. 9, line 44-col. 10, line 25).

Regarding claims 5,18 Steer teaches wherein the first signal comprises a signal selected from the group consisting of an audible signal and a visual signal (col. 6, line 20-30, col. 6, lines 35-52).

Regarding claims 6 and 19 Steer teaches wherein the predetermined signal structure represents a ring signal (col. 6, line 20-30, col. 6, lines 35-52).

Regarding claims 7 and 20 Steer teaches wherein the first functional response to the ring signal comprises emitting an audible alert signal, and wherein the new functional response to the ring signal comprises emitting a vibration or visual alert signal instead of emitting the audible alert signal (col. 6, line 20-30, col. 6, lines 35-52).

Regarding claims 8,21,25 Steer teaches associating the control signal with the given location by emitting the control signal from at least one transmitter local to the given location (col. 8, lines 10-40, col. 9, line 44-col. 10, line 25).

Regarding claims 9,26 Steer teaches further comprising: detecting presence of the device in the given location, and responsively sending the control signal to the device in the given location (col. 8, lines 10-40, col. 9, line 44-col. 10, line 25).

Regarding claim 12 Steer teaches after the device has exited the given location, reverting to carrying out the first functional response to the first primitive rather than the new functional response to the first primitive (col. 8, lines 10-40, col. 9, line 44-col. 10, line 25).

Regarding claim 13 Steer teaches upon a predetermine duration after the device has exited the given location, and responsively sending the control signal to the device in the given location (col. 8, lines 10-40, col. 9, line 44-col. 10, line 25).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 28-29,33,37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steer (6643517) as and further in view of Grube et al (5778304).

Regarding claim 33 Steer teaches flagging the additional set of control logic as an active set of control logic; after receiving the control signal but before flagging the additional set of control logic as an active set of control logic (col. 5, lines 27-53, see claim 11), prompting a user of the device for change function of the device (col. 6, lines 1-17).

Regarding claim 37 Steer teaches a system for adapting device functionality based on location, the system comprising (figs. 1-3):

a device having a receiver, a processor, and data storage, the processor being programmed to execute a set of control logic so as to cause the device to carry out first function in response to a first predetermined primitive in carrying out a first function (col. 8, lines 10-40, col. 9, line 44-col. 10, line 25);

a local transmission system arranged to emit the control signal into a given location, the control signal carrying additional control logic selected from the group consisting of (col.5, lines 20-30, col. 6, lines 35-50):

(a) logic defining a new primitive for the device to employ in carrying out the

first function wherein the new primitive is not currently defined in the device (col. 8, lines 10-40, col. 9, line 44-col. 10, line 25); and

(b) logic defining a new function and indicating that the device should employs the first predetermined primitive in carrying out the new functions wherein the new function is not currently defined in the device (col. 8, lines 10-40, col. 9, line 44-col. 10, line 25);

the processor being programmed to respond to the control signal by performing a function selected from the group consisting of (col. 8, lines 10-40, col. 9, line 44-col. 10, line 25):

(i) changing the set of control logic to embody the additional control logic so

that, when the device thereafter carries out the first functions the device employ the new predetermined primitive (col. 8, lines 10-40, col. 9, line 44-col. 10, line 25); and

(ii) changing the set of control logic to embody the additional control logic so that, when the device thereafter carries out the new function the device employs the first predetermined primitive (col. 8, lines 10-40, col. 9, line 44-col. 10, line 25). Steer teaches determining when an emergency call is being made; some mobiles may include an emergency button that makes recognizing them-very easy. Others may not, and the mobile control software would then examine the dialed digits for an emergency number, such as 911. In any case, if this or another emergency dialing string is found, or the emergency button is operated, then the Protection Control Process (software) may allow the call inside the restricted zone of operation. Otherwise, the Protection Control

Process blocks the call. Steer does not specifically teach user of the device for approval of changing after the device receives the control signal.

In an analogous art, Grube et al teaches user of the device for approval of changing after the device receives the control signal (col. 3, lines 30-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Steer by specifically adding features in order to enhance a user response indicating whether or not the user approves of the control logic to increasing the efficiency of the communication system allows safe operation of mobile radios in regions where interference causes serious problems (emergency call) as taught by Grube et al.

Regarding claim 28 Steer teaches further comprising a local transmitter emitting the control signal in the given location (col. 8, lines 10-40, col. 9, line 44-col. 10, line 25).

Regarding claim 29 Steer teaches further comprising a network entity programmed to send the control signal to the device when the device is in the given location (col. 8, lines 10-40, col. 9, line 44-col. 10, line 25).

Response to Arguments

6. Applicant's arguments with respect to claims 3-9,11-13,16-21,23,25-26,28-29,33,36-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **BANKS-HAROLD, MARSHA**, can be reached at 703-305-4379.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2684 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Khawar Iqbal

RAFAEL PEREZ-GUTIERREZ
PATENT EXAMINER
11/26/04